

**LEWIS  
AND  
ROCA**  
LLP  
LAWYERS

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
USA Commercial Mortgage Company,  
USA Capital Realty Advisors, LLC,  
USA Capital Diversified Trust Deed Fund,  
LLC,  
USA Capital First Trust Deed Fund, LLC,<sup>1</sup>  
USA Securities, LLC,<sup>2</sup>  
Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>1</sup>  
Case No. BK-S-06-10729-LBR<sup>2</sup>

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**STATUS AND AGENDA FOR JUNE  
24, 2008 HEARINGS**

Hearing Date: June 9, 2008  
Hearing Time: 9:30 a.m.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

**Agenda for 9:30 a.m.**

1. Adv. 06-01167-lbr, USA Commercial Mortgage Company v. Robert J. Kehl,  
et al., **Motion for Summary Judgment And For Order Of Directing Release Of  
Funds**, Filed by **GEORGE D FRAME** on behalf of **JOHN DUTKIN** [DE 330]

<sup>1</sup> This bankruptcy case was closed on October 12, 2007.

<sup>2</sup> This bankruptcy case was closed on December 26, 2007.

**Stipulation Filed:** Stipulation and Order for Settlement as Between JOHN DUTKIN,  
2/04/2008 TRUSTEE OF THE JOHN DUTKIN REVOCABLE LIVING  
TRUST DATED 1/17/00 and FIRST TRUST COMPANY OF  
ONAGA, CUSTODIAN OF KAREN S. MOBERLY IRA [DE  
333]

**Limited** Limited Opposition with Certificate of Service to JOHN  
**Opposition Filed:** DUTKIN's Motion For Summary Judgment and For Order  
2/07/2008 Directing Release of Funds Filed by LENARD E.  
SCHWARTZER on behalf of USA CAPITAL FIRST TRUST  
DEED, USA COMMERCIAL MORTGAGE COMPANY [ DE  
337]

**Related Event:** Order Directing Release of Funds to JOHN DUTKIN Revocable  
4/29/2008 Trust [DE 346]

**Status:** Hearing continued from 3/25/2008, 4/17/2008 and 5/8/2008.

2. **Motion for Summary Judgment Regarding (1) Responses To The  
USACM Trust's First Through Thirty-Third Omnibus Objections To Claims Asserting  
A Secured Status; (2) Responses to USACM Trust's First Through Third Omnibus  
Objections to Claims Asserting A Priority Status; and (3); Newly Alleged Secured And  
Priority Claims** Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST  
[DE 4291]

**Related Filings:** The only unresolved claims are those filed by the Dutkin Trust

**Response Filed:** Response with Certificate of Service & Objection of USA  
8/17/07 COMMERCIAL MORTGAGE COMPANY to Claim of DUTKIN  
TRUST Asserting Secured Status Filed by GEORGE D FRAME  
on behalf of JOHN DUTKIN [DE 4628]

9/14/2007 Supplemental Statement of Facts in Support of Motion for  
Summary Judgment Regarding (1) Responses to the USACM  
Trust's First through Thirty-Third Omnibus Objections to Claims  
Asserting a Secured Status; (2) Responses to USACM Trust's First  
through Third Omnibus Objections to Claims Asserting a Priority  
Status; and (3) Newly Alleged Secured and Priority Claims Filed  
by ROB CHARLES on behalf of USACM LIQUIDATING  
TRUST [DE 4811]

**Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and John  
12/05/2007 Dutkin, Trustee to Continue Hearing Filed by ROB CHARLES  
on behalf of USACM LIQUIDATING TRUST [DE 5443]

1 **Related Event:** Order Approving Stipulation to Continue the Hearing on Motion  
2 12/10/2007 for Summary Judgment Re DUTKIN's Claim [DE 5451]

3 **Related Event:** Order Requiring Supplemental Briefing on the USACM TRUST's  
4 1/22/2008 Eighth Omnibus Objection to Claims Asserting a Secured Status  
as it Pertains to the Claim Filed by JOHN DUTKIN [DE 5711]

5 1/31/2008 Supplemental Brief Filed by GEORGE D FRAME on behalf of  
JOHN DUTKIN [DE 5768]

6 2/01/2008 Deadline Set/Terminated Motion for Exceptional Circumstances  
7 due by 2/11/2008 [DE 5770]

8 2/08/2008 Supplemental Brief *in Support of Eighth Omnibus Objection to*  
9 *Claims Asserting a Secured Status as that Objection Pertains to*  
10 *the Dutkin Claim* Filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 5804]

11 2/12/2008 Order (Related document(s)[4291] Motion for Summary  
12 Judgment, , filed by Interested Party USACM LIQUIDATING  
TRUST.) [DE 5812]

13 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Between  
14 6/05/2008 John Dutkin, Trustee *Re Motion for Summary Judgement, and*  
*Objection to John Dutkin Proof of Claim* Filed by JOHN  
15 HINDERAKER on behalf of USACM LIQUIDATING TRUST  
[DE 6426]

16 **Related Event:** Order Approving Stipulation Re Motion for Summary Judgment  
17 6/10/2008 and Objection to JOHN DUTKIN Proof of Claim [DE 6432]

18 **Status:** Matter is resolved by DE 6432.

19 3. **Supplemental Objection to Claim 10725-00791 of PENSION BENEFIT**  
20 **GUARANTY CORPORATION in the amount of** filed by ROB CHARLES on behalf  
of USACM LIQUIDATING TRUST [DE 5927]

21 **Response Filed:** Response with Certificate of Service *PBGC's Response to the*  
22 3/14/2008 *Supplemental Objection of the USACM Liquidating Trust to*  
23 *Claim No. 791 of the PBGC.* Filed by FRANK A. ANDERSON  
24 on behalf of PENSION BENEFIT GUARANTY  
CORPORATION [DE 5984]

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**Reply Filed:**

3/25/2008

Reply with Certificate of Service *in Support of Supplemental Objection of the USACM Liquidating Trust to Claim No. 791 of the Pension Benefit Guaranty Corporation* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6049]

**Reply Filed:**

3/31/2008

Reply with Certificate of Service *PBGC's Sur-reply to the Supplemental Objection of the USCAM Liquidating Trust to Claim No. 791 of the PBGC* Filed by FRANK A. ANDERSON on behalf of PENSION BENEFIT GUARANTY CORPORATION [DE 6063]

**Objection Filed**

5/13/2008

Objection with Certificate of Service *PBGC's Objection to Proposed Order Disallowing Amended Claim No. 791 Filed By the PBGC.* Filed by FRANK A. ANDERSON on behalf of PENSION BENEFIT GUARANTY CORPORATION [DE 6364]

**Response Filed:**

5/16/2008

Response with Certificate of Service *to PBGC's Objection to Proposed Order Disallowing Amended Claim No. 791 Filed by the Pension Benefit Guaranty Corporation* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6387]

**Status:**

A stipulation regarding order disallowing amended claim is being circulated.

Dated June 20, 2008.

**LEWIS AND ROCA LLP**

By: /s/ RC (#6593)

Susan M. Freeman, AZ 4199 (*pro hac vice*)

Rob Charles, NV 6593

John Hinderaker, AZ 18024 (*pro hac vice*)

*Counsel for USACM Liquidating Trust*

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PROOF OF SERVICE

COPY of the aforementioned sent via e-mail or U.S. First Class Mail on June 20, 2008 to the parties listed on Post-Effective Official Service List for Limited Notice No. 4 Dated January 8, 2008.

/s/ Christine E Laurel  
Christine E Laurel  
Lewis and Roca LLP